

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

/ The Hon. Judith E. Levy
United States District Judge

Bellwether III Case No. 17-10164

/

**AMENDED¹ NOTICE OF OBJECTION
TO DESIGNATIONS OF PROTECTED MATERIAL**

Pursuant to the Court’s December 19, 2019 Confidentiality Order [Case No. 16-cv-10444, ECF No. 299],² Plaintiffs challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated **CONFIDENTIAL** or **HIGHLY CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY**:

1. VWNAOS555522 - VWNAOS555522.0001
2. VWNAOS254034 - VWNAOS254034.0004
3. VWNAOS537544 - VWNAOS537544.0002
4. VWNAOS526905 - VWNAOS526905.0002
5. VWNAOS528168 - VWNAOS528168.0008

¹ On September 25, 2023, Plaintiffs’ Notice of Objection [ECF No. 2629] was inadvertently filed as an Exhibit; and an Exhibit was inadvertently filed as the main document. This pleading is intended to correct that filing.

² See also Fifth Amended Case Management Order [Case No. 16-cv-10444, ECF No. 1255-3].

6. VWNAOS528207 - VWNAOS528207.0010
7. VWNAOS190783 - VWNAOS190783.0005
8. VWNAOS528288 - VWNAOS528288.0001
9. VWNAOS528228 - VWNAOS528228.0002
10. VWNAOS189785 - VWNAOS189785.0001
11. VWNAOS528229 - VWNAOS528229.0002
12. VWNAOS528165 - VWNAOS528165.0004
13. VWNAOS528602 - VWNAOS528602.0001
14. VWNAOS248946 - VWNAOS248946.0011
15. VWNAOS249107 - VWNAOS249107.0008
16. VWNAOS528155 - VWNAOS528155.0001
17. VWNAOS249167 - VWNAOS249167.0020
18. VWNAOS254021 - VWNAOS254021.0004
19. VWNAOS249162 - VWNAOS249162.0003
20. VWNAOS527011 - VWNAOS527011.0001
21. VWNAOS526982 - VWNAOS526982.0001
22. VWNAOS528589 - VWNAOS528589.0001
23. VWNAOS528601 - VWNAOS528601.0003
24. VWNAOS528597 - VWNAOS528597.0003
25. VWNAOS311336 - VWNAOS311336.0002

26. VWNAOS219539 - VWNAOS219539.0001
27. VWNAOS528302 - VWNAOS528302.0002
28. VWNAOS528281 - VWNAOS528281.0002
29. VWNAOS528577 - VWNAOS528577.0001
30. VWNAOS528563 - VWNAOS528563.0001
31. VWNAOS527039 - VWNAOS527039.0003
32. VWNAOS528580 - VWNAOS528580.0010
33. VWNAOS190634 - VWNAOS190634.0004
34. VWNAOS190678 - VWNAOS190678.0004
35. VWNAOS527059 - VWNAOS527059.0001

Plaintiffs informed Veolia of their formal challenge to these designations on September 11, 2023 via email.³

Veolia has not acknowledged the correspondence.

The subject documents do not contain confidential information under applicable law or pursuant to this Court's prior orders. Thus, because there is a profound public interest in the Flint Water Crisis and in this litigation (as Veolia and the Court have consistently stated); because the truth matters (as Veolia has

³ September 11, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit A** and incorporated by reference as if fully stated herein.

vigorously and publicly argued);⁴ and in light of Veolia's significant public presence online and Veolia's continued public misinformation campaign,⁵ these documents must be de-designated as CONFIDENTIAL. Further, if any are made public, such would not cause oppression, competitive disadvantage, infringement of privacy rights established by statute or regulation, or infringement of confidentiality requirements established by statute or regulation with respect to government purchasing or other operations. Conversely, and perhaps most importantly, doing so might begin to level the playing field.

Dated: September 26, 2023

Respectfully submitted,

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⁴ See @VNAFlintFacts: Description of Twitter handle, attached hereto as **Exhibit B** and incorporated by reference as if fully stated herein.

⁵ See Declaration of Lauren H. Cohen, Ph.D., previously filed in Case No. 16-cv-10444 [ECF No. 2550], attached hereto as **Exhibit C** and incorporated by reference as if fully stated herein.

CERTIFICATE OF SERVICE

I, Corey Stern, hereby certify that on September 26, 2023 the foregoing document and the attached exhibits were served on all counsel of record via the court's ECF system.

/s/ Corey M. Stern
Corey M. Stern